

The purpose of the Workers Compensation Act (Act) is to compensate employees for loss due to a qualifying injury. The Act does not envision compensation for loss falling outside this realm. Since Smith failed in his burden to establish what portion of his business losses were attributable to

his injury, Smith is limited to his functional impairment insofar as permanent partial disability benefits are concerned.

. . .

Reversed and remanded with directions to enter an award limited to Smith's 9 percent functional impairment.

The Board, following the directions of the Court of Appeals, finds and concludes that claimant has a nine percent permanent partial general disability.

AWARD

WHEREFORE, the Board modifies its November 30, 1999 Order and awards claimant benefits for a nine percent permanent partial general disability, as follows:

Stephen M. Smith is granted compensation from Smith & Smith and its insurance carrier for a June 3, 1994 accident and resulting nine percent permanent partial general disability. Mr. Smith is entitled to receive 79.43 weeks of temporary total disability benefits at \$313 per week, or \$24,861.59, plus 31.55 weeks of permanent partial disability benefits at \$313 per week, or \$9,875.15, making a total award of \$34,736.74, which is all due and owing less any amounts previously paid.

IT IS SO ORDERED.

Dated this ____ day of May 2001.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Beth R. Foerster, Topeka, KS
Gary R. Terrill, Overland Park, KS
David Berkowitz, Lawrence, KS
Brad E. Avery, Administrative Law Judge
Philip S. Harness, Director